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OFFICE OF PETITIONS

In re Application of

Bradley, et al.

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Application No. 10/059,554

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DECISION ON PETITION

Filed: January 30, 2002

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Attorney Docket No. AUS920010743US1

This is a decision on the renewed petition under 37 CFR 1.181(a) to withdraw the holding of abandonment, filed October 22, 2006.

The renewed petition under 37 CFR 1.181(a) to withdraw the holding of abandonment is **granted**.

This application was held abandoned on March 2, 2005, after it was believed that no response was received to the non-final Office action mailed December 1, 2004. The non-final Office action allowed a shortened statutory period for reply of three (3) months from its mailing date. Extensions of the time set for reply were available pursuant to 37 CFR 1.136(a). A Notice of Abandonment was mailed June 16, 2006, indicating that a reply to the non-final Office action was not received.

The instant renewed petition maintains that the response to the non-final Office action was filed on March 1, 2006. A copy of the response containing a certificate of transmission dated March 1, 2005, accompanied the petition. Mr. Joseph P. Lally signed the certificate of transmission and the instant renewed petition. A copy of a Auto-reply transmission sheet from the USPTO whereby the USPTO acknowledged receipt of fourteen pages on March 1, 2006, in application 10/059,554.

Based on the aforementioned, it appears that the application was improperly held abandoned as a proper response was transmitted prior to expiration of the shortened statutory period for reply. The holding of abandonment is withdrawn, accordingly. No petition fee is due.

The application file is being forwarded Technology Center 2100, GAU 2193, for further processing including entry of the copy of the amendment filed March 1, 2006.

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